(3)

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BEFORE THE HIGH COURT OF JUDICATURE AT BIASPUR CHHATTISGARH

Writ Petition No. 2352 /2003

Petitioner : Nan Singh Yadav,
S/o late Shri P.S. Yadav,
aged about57 years,
Dy. Superintendent of
Police, Jagargunda,
District Dantewada(CG)

Versus

Respondents :

1. State of Chhattisgarh,
through the Secretary
Government of Chhattisgarh,
Department of Home (Police)
D.K.S. Bhavan, Raipur (CG)

2. The Director General of
Police, Chhattisgarh Police
Headquarters, Raipur (CG)

R. No. 2266/03
Presented by Shri O.Ind. Deshmukh
dated 21/6/03

PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

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HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W.P. No. 2352 of 2003

Petitioner : Nan Singh Yadav

Versus

Respondents : State of Chhattisgarh

Shri P.S. Koshy, counsel for the petitioner.

Shri Sushil Dubey, Government Advocate for the State/respondents.

ORAL ORDER

(20th July, 2006)

1. Learned counsel appearing for the petitioner, submits that the petitioner has opted for Voluntary Retirement by application dated 19.12.2002 (Annexure P-1), stating that the petitioner be permitted to take retirement w.e.f. 31.3.2003. The State/respondents failed to take any decision on the application of the petitioner till 31.3.2003, when the petitioner proceeded on retirement.

2. It is further submitted that the petitioner has been compulsory retired by the Government by order dated 4.12.2003 (Annexure P-4). All the retiral dues have been paid to the petitioner, except payment of salary and other benefits for the period from 31.3.2003 to 4.12.2003. Learned counsel for the petitioner confines his prayer, accordingly, to permit the petitioner for making

representation to the respondents/authorities in respect of payment of salary and other benefits for the period from 31.3.2003 to 4.12.2003.

3. Learned counsel appearing for the respondents, does not dispute the fact as stated above. For the reasons stated above, the petition has become infructuous, except the prayer in Para 7 (IV) for which the petitioner wants to make a representation to the respondents/authorities. The petitioner is accordingly permitted to make a representation to the respondents/authorities for grant of salary and other benefits for the period from 31.3.2003 to 4.12.2003. In the event, such application is made the respondents/authorities are directed to consider the application on its own merit, in accordance with law, within a period of eight weeks, from the date of receipt of the representation.

4. Accordingly, the petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Court